

ALLEGED VIOLATIONS: Between 1-11-60 and 1-19-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building that was accessible to insects and caused the flour to be exposed to contamination by insects by placing the flour in insect-contaminated equipment in said building, which acts resulted in the article being adulterated.

CHARGE: 402(a) (3)—contained insects and insect parts; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-15-61. Corporation fined \$400; individual fined \$100.

27259. Flour. (F.D.C. No. 45599. S. Nos. 39-883/4 R.)

QUANTITY: 24 50-lb. bags and 49 bales, 10 2-lb. bags each, at Springfield, Mo., in possession of Rothermel Bros.

SHIPPED: 11-30-60 and 12-20-60, from Claflin, Kans.

LIBELED: On or about 3-29-61, W. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent urine and rodent excreta pellets; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-22-61. Default—destruction.

MACARONI AND NOODLE PRODUCTS

27260. Macaroni. (F.D.C. No. 45722. S. No. 51-122 R.)

QUANTITY: 54 10-lb. cases at Albuquerque, N. Mex.

SHIPPED: 5-15-59 and 7-10-59, from St. Louis, Mo.

LIBELED: 4-17-61, Dist. N. Mex.

CHARGE: 402(a) (3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 5-18-61. Default—delivered to a charitable institution for use as animal feed.

27261. Egg noodles. (F.D.C. No. 44937. S. Nos. 22-264 P, 23-171 P, 55-919 P, 83-786/7 P, 97-731/2 P.)

INFORMATION FILED: 2-8-61, Dist. Kans., against Macaroni Manufacturers, Inc., Wichita, Kans., Louis A. Onofrio, manager, and Michael V. Vagnino, supervisor of the corporation.

SHIPPED: Between 10-15-59 and 3-22-60, from Kansas to Missouri, Colorado, and Oklahoma.

LABEL IN PART: "American Beauty Deluxe Egg Noodles" [or "Klus-Ky (Polish Style) Egg Noodles"] and "Klus-Ky Vitamin Enriched Egg Noodles * * * American Beauty Macaroni Co. Wichita [or "Kansas City 15, Kansas"]."

RESULTS OF INVESTIGATION: Analysis showed the article to be between 25 percent to 38 percent deficient in egg solids.

CHARGE: 402(b) (1)—when shipped, a valuable constituent, egg solids, had been in part omitted from the noodles; and 403(g) (1)—the article purported to be and was represented as egg noodles, a food for which a definition and standard of identity has been prescribed by regulations, and the product failed to conform to the definition and standard of identity for noodles which requires that noodles contain not less than 5.5 percent by weight of solids of egg or egg yolk.

PLEA: Nolo contendere.

DISPOSITION: 2-10-61. Each defendant fined \$140, plus costs.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27262. Quick cooking oats. (F.D.C. No. 45439. S. Nos. 29-678 R, 52-735 R.)

QUANTITY: 120 cases, 12 2-lb. 10-oz. pkgs. each, at Fargo, N. Dak.

SHIPPED: 1-26-61, from Keokuk, Iowa, by General Mills, Inc.

LABEL IN PART: (Pkg.) "Red Owl Quick Cooking Oats Red Owl Stores, Inc., Distributors, Minneapolis, Minn."

LIBELED: 3-2-61, Dist. N. Dak.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-21-61. Default—destruction.

27263. Quick cooking oats. (F.D.C. No. 45441. S. No. 28-249 R.)

QUANTITY: 99 cases, 12 2-lb. 10-oz. pkgs. each, at Marshfield, Wis.

SHIPPED: 1-30-61, from Keokuk, Iowa, by General Mills, Inc.

LABEL IN PART: (Pkg.) "Royal Scarlet * * * Quick Cooking Oat Flakes Distributors R. C. Williams & Co., Inc. New York, N.Y."

LIBELED: 3-2-61, W. Dist. Wis.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-9-61. Default—delivered to a public institution for use as animal feed.

27264. Unpopped popcorn (2 seizure actions). (F.D.C. Nos. 45460, 45461. S. Nos. 17-597/8 R.)

QUANTITY: 26 cases, 24 1-lb. bags each, and 26 cases, 12 2-lb. bags each, at Hobbs, N. Mex.

SHIPPED: Prior to 11-6-60 and 12-9-60, from Dallas, Tex.

LIBELED: 2-6-61, Dist. N. Mex.

CHARGE: 402(a)(3)—contained insects, insect fragments, insect excreta, and insect-damaged kernels while held for sale.

DISPOSITION: 3-8-61. Default—delivered to a public institution for use as animal feed.

27265. Unpopped popcorn. (F.D.C. No. 45506. S. Nos. 51-582/4 R.)

QUANTITY: 54 cases, 24 12-oz. bags each, 121 cases, 12 24-oz. bags each, and 113 cases, 24 12-oz. bags each, at Mountainair, N. Mex., in possession of Ray's Bean Co.

SHIPPED: 1-16-59 and 3-21-60, from Kansas City, Mo.

RESULTS OF INVESTIGATION: The article was shipped in bulk and thereafter repacked by the dealer into bags as described above.

LIBELED: 3-8-61, Dist. N. Mex.

CHARGE: 402(a)(3)—contained (all lots) insects and insect-damaged kernels, (121-case lot) rodent excreta pellets, (113-case lot) insect excreta and insect webbing, and moldy kernels; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-10-61. Default—delivered to a public institution for use as animal feed.